

3131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
 Hathaway et al.) Before the Examiner
 Serial No. 10/008,781) Woo, Julian W.
 Filed November 13, 2001)
 APPARATUS AND METHOD FOR)
 POSITIVE CLOSURE OF AN INTERNAL)
 TISSUE MEMBRANE OPENING)

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure in accordance with 37 CFR §1.56, Applicant wishes to bring to the attention of the Examiner the patents, publications, and/or other information listed on the attached PTO Form 1449 (modified). Copies of cited items are enclosed in accordance with 37 CFR §1.98.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450. <u>February 28 2005</u> (Date of Deposit)	
<u>James B. Myers</u> Name of Registered Representative	
<u>James B. Myers</u> <u>Signature</u>	
<u>February 28 2005</u> <u>Date of Signature</u>	

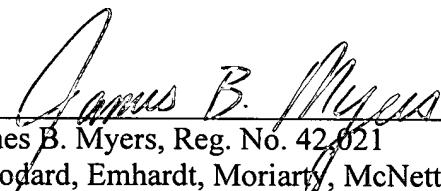
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This Statement is being submitted after filing of the application and after receipt of the First Office Action. The fee of \$180 is to be charged to the American Express account number shown on the attached form (PTO-2038). It is believed that no additional fees are due; however if any fees are deemed necessary, the US Patent & Trademark Office is hereby authorized to charge such fees to Deposit Account No. 23-3030 but do not include any payment of issue fees that are or may become due.

Respectfully submitted,

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Substitute for form 1449A/PTO				Complete if Known	
				Application Number	10/008,781
				Filing Date	November 13, 2001
				First Named Inventor	Hathaway
				Group Art Unit	3731
				Examiner Name	Woo
Sheet	1	of	1	Attorney Docket No.	

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cito No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁸
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		SU 1093329A	05-1984	Nikol 'Skiy		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T2

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.